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ZONING BOARD OF APPEALS
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***ZONING BOARD OF APPEALS
MINUTES
Web-Based Meeting Hosted on ZOOM
June 24, 2021
7:00 p.m.***

ROLL CALL:

Rodney Moore, Acting Chairman, opened the meeting and announced the applications to be heard. Mr. Moore explained the meeting procedures. Present by roll call were: Joseph Hanna, Michael Sibbitt, Juan Rivas, and Peter DeLucia. Staff present: Sean Hearty, Zoning Enforcement Officer and Mary Larkin, Secretary. Absent: Richard Jowdy, Anthony Rebeiro, and Richard Roos.

Motion to hear Application Nos. 21-20, 21-21, 21-22, 21-23, 21-24, & 21-25 was made by Joseph Hanna; seconded by Peter DeLucia. All in favor with Ayes from Joseph Hanna, Michael Sibbitt, Juan Rivas, Peter DeLucia and Rodney Moore.

ACCEPTANCE OF MINUTES: May 13, 2021 and May 27, 2021

Motion to accept the Minutes of May 13, 2021 was made by Juan Rivas; seconded by Peter DeLucia. In favor: Joseph Hanna, Juan Rivas, Michael Sibbitt, and Peter DeLucia.

Motion to accept the Minutes of May 27, 2021 was made by Juan Rivas; seconded by Peter DeLucia. In favor: Joseph Hanna, Rodney Moore, Juan Rivas, and Peter DeLucia.

The next regular meeting is scheduled for **July 8, 2021**

PUBLIC HEARINGS:

#21-20: Memedov, Shenol, 1 Dennis Gate, (K08064), RA-40 Zone
Sec. 3.G.3.d Allow pool in front yard.

Mr. Shenol Memedov presented his application. He explained he would like to retain the current location of the pool. Mr. DeLucia said he visited the property and stated, “with three front yards, the applicant is like a peninsula.”

Mr. Hearty, Zoning Enforcement Officer, said the applicant was not aware of the need for permits initially. Mr. Memedov explained this is an above-ground pool and apologized for not knowing about the permits. Mr. DeLucia asked for a map of the septic system. Mr. Memedov said he is just 6.5’ from septic, rule is for 10’. He confirmed he is 6’ from the tank. Mr. Hearty said the applicant is asking for relief from front yard setback, not side-yard setback. Mr. Moore explained the purpose of the Board and the requested variance was not for side-yard setback.

Mr. Memedov asked why he would have to move it. Mr. Moore said he would risk disapproval from the Health Department. Mr. Memedov said he would like to proceed with this variance “as is” so that all he’ll need is the permit.

Hardship is the three front yards, the septic system location, and inadequate space to accommodate the pool.

Mr. Juan Rivas asked if the applicant is aware if he is leaving this as the proposed location? Does applicant understand? Mr. Memedov said he just wants it the way it is now proposed. Mr. Joseph Hanna wants the trench for the fields verified before construction and wants him to have the Health Department approve the location. Mr. Hanna mentioned there is an option to move the pool 3’ to the right. Mr. Memedov said he will keep to the measurements shown because these are according to the surveyor. Mr. Hearty said if there are any major changes, he will bring them before Board for their review.

No other questions, no one in favor, no one opposed.

Motion to close made by Juan Rivas; seconded by Joseph Hanna. All in favor with Ayes from Joseph Hanna, Michael Sibbitt, Juan Rivas, Peter DeLucia and Rodney Moore.

Motion to vote made by Joseph Hanna; seconded by Michael Sibbitt. All in favor with Ayes from Joseph Hanna, Michael Sibbitt, Juan Rivas, Peter DeLucia and Rodney Moore.

Motion to approve No. 21-20, to allow pool in front yard, with stipulation for septic line confirmation, per plan submitted, with a 3’ allowance if needed was made by Joseph Hanna; seconded by Michael Sibbitt. All in favor with Ayes from Joseph Hanna, Michael Sibbitt, Juan Rivas, Peter DeLucia and Rodney Moore.

#21-21: Rodrigues, Maria & Carlos, 9 Moody Drive, (J08063), RA-20 Zone

Sec. 4.A.3 Reduce front yard setback from 30’ to 17.1’.

Maria Rodrigues presented her application. She explained that her house was built in 1961, and it is pre-existing, non-conforming and she wants to make it an “aging-in-place home”. A ramp is planned in the front with a porch. The existing garage is small and cannot accommodate a car with passenger exiting with a walker. The existing stoop exceeds the 6’ they are requesting. Mr. Moore asked if this is entirely on the existing footprint. Yes, except for the porch. Mr. DeLucia, who visited the property, said the design makes sense. Other homes in the vicinity have the same porch configuration.

Mr. Moore questioned the line on the survey indicating 16.9’. Mrs. Rodrigues said she didn’t understand, because it’s always been 17.1’ to roof overhang. Mr. Moore suggested amending it to 16.9’ from 17.1’. No one in favor or opposed. Juan Rivas said he visited the property, and he agrees with Peter DeLucia; this will not change the characteristic of the neighborhood.

Motion to close made by Joseph Hanna; seconded by Peter DeLucia. All in favor with Ayes from Joseph Hanna, Michael Sibbitt, Juan Rivas, Peter DeLucia and Rodney Moore.

Motion to vote made by Juan Rivas; seconded by Michael Sibbitt. All in favor with Ayes from Joseph Hanna, Michael Sibbitt, Juan Rivas, Peter DeLucia and Rodney Moore.

There were no other comments; it is well within the character of the neighborhood – fairly minor change. Motion to approve, per plan submitted was made by Juan Rivas ; seconded by Peter DeLucia. All in favor with Ayes from Joseph Hanna, Michael Sibbitt, Juan Rivas, Peter DeLucia and Rodney Moore.

#21-22: Sundstrom, Katherine, 114 Forty Acre Mountain Road, (K02054), RA-80 Zone

Sec. 4.A.3 Reduce front yard setback from 50’ to 36’.

Katherine Sundstrom is present on the ZOOM call and explained that she is looking to expand the 8 x 10’ bedroom to square off the house. She stated the pre-existing house is already in the setback, and the addition will not change the characteristics of the neighborhood.

Peter DeLucia said it makes sense to square off the house and is concerned about any other handicapped provisions. Ms. Sundstrom said that at the moment a ramp is not necessary. No one in favor, no one in opposition.

Motion to close made by Joseph Hanna; seconded by Peter DeLucia. All in favor with Ayes from Joseph Hanna, Michael Sibbitt, Juan Rivas, Peter DeLucia and Rodney Moore.

Motion to vote made by Joseph Hanna; seconded by Juan Rivas. All in favor with Ayes from Joseph Hanna, Michael Sibbitt, Juan Rivas, Peter DeLucia and Rodney Moore.

Juan Rivas thinks it does square off the house and puts it in line with characteristics of the neighborhood. The home is in the RA-80 Zone, and it is well into the front yard setback now. Mr. Rivas sees no issue with granting this variance.

Motion to approve, per plan submitted, was made by Juan Rivas; seconded by Peter DeLucia. All in favor with Ayes from Joseph Hanna, Michael Sibbitt, Juan Rivas, Peter DeLucia and Rodney Moore.

#21-23: J. P. Maguire Associates Inc., John L. Bertanza, agent, for Arevalo, Juan Carlos, 48 Smoke Hill Drive, (E04004) RA-40 Zone

Sec. 4.A.3 Reduce easterly side yard setback from 25' to 18'.

John Bertanza, representative from the contractor, J.P. Maguire Associates, presented the application. Mr. Bertanza stated this is a pre-existing, non-conforming lot. The house sustained a catastrophic fire, and the family is unable to live in the house. They wish to add a garage with storage in the rear. The front 24' will act as a garage and the rear 6' will be used for storage for lawn equipment, toys, etc. Acting Chairman Rod Moore assisted with sharing of the map. Mr. Moore said there are still many homes with one-car garages in that neighborhood. Mr. DeLucia stated that the area was originally zoned as an RA-20 and now is zoned as an RA-40. Mr. Bertanza stated they are not adding living space. No one in favor or opposed.

Motion to close was made by Juan Rivas; seconded by Joseph Hanna. All in favor with Ayes from Joseph Hanna, Michael Sibbitt, Juan Rivas, Peter DeLucia and Rodney Moore.

There being no further comments, a motion to vote made by Joseph Hanna; seconded by Michael Sibbitt; All in favor with Ayes from Joseph Hanna, Michael Sibbitt, Juan Rivas, Peter DeLucia and Rodney Moore.

Motion to approve, per plan submitted, was made by Joseph Hanna because the zone had been upgraded some time ago; seconded by Michael Sibbitt. All in favor with Ayes from Joseph Hanna, Michael Sibbitt, Juan Rivas, Peter DeLucia and Rodney Moore.

#21-24: Magner, James, 4 Lake Road, (J02031), RA-20 Zone

Sec. 4.A.3 Reduce minimum front yard setback from 30' to 27.8' to roof overhang of proposed covered porch; reduce minimum side yard setback from 15' to 8.2' to proposed porch; reduce minimum side yard setback from 15' to 8.9' to existing balcony. Sec. 8.A.2.b Allow drainage discharge onto the road. Sec. 8.A.2.c.(4) Reduce bottom edge of excavation from minimum of 5' to 0' for proposed and existing retaining walls.

No one appeared to present this application. The application was passed and at 8:10 p.m. no one had joined the meeting on behalf this application. Tabled until the next meeting on July 8, 2021.

#21-25: Maskara, Lenore, 33 Robin Hood Road, (C06072), RA-40 Zone

Sec. 4.A.3: Reduce minimum front yard setback from 40' to 33.4' for front porch. Reduce rear yard setback from 20' to 2.3' to roof overhang for garage/storage. Increase building coverage from 50% to 58.6%.

Christopher Souppa, husband of Ms. Maskara, presented the application. Mr. Moore assisted with sharing the survey for Mr. Souppa. Regarding the front porch addition, Mr. Souppa explained the house is already preexisting, non-conforming, and he wants to add the porch. He informed the board that his neighbor had done the same. As for the garage, he chose the location because it is the only flat spot in the yard that could accommodate a garage. Joseph Hanna asked if there was an existing garage. Mr. Souppa said there is an existing two-car garage with the house. The new garage would be for two cars plus storage. Mr. Moore reiterated that the Board seeks to consider a hardship.

Mr. Souppa said that the garage would not be built for a while, but wants to go forward with the porch and addition off the back of the existing garage. Mr. DeLucia asked if the proposed garage would be used for contractor-type use? Mr. Souppa said that it would be for personal use, and that neighbors have sheds and a garage. The proposed dimensions of the garage are 36' x 32'. Messrs. Hanna and DeLucia think this is too large a space, and Mr. Moore thinks the other neighbors' outbuildings are not as close to the property lines as this proposed garage, and he suggested trying to move it away from the property line and the reconsider the size. Mr. DeLucia suggested a mini barn might be better. Mr. Hanna asked about the hardship. Mr. Souppa said he just wanted to get his stuff out of view of neighbors, like his boat. Messrs. Hanna and DeLucia think the structure is too big. Mr. Hanna said a shed would be okay, say for a lawn mower. Mr. Souppa offered a 28' x 32' structure; however, Mr. Sibbitt said it is still too big. Mr. DeLucia would like to look at the others in the neighborhood. Mr. Souppa stated approximate sizes of neighboring structures as 25' x 25' and 30' x 25'. Mr. Hanna said the Board's position is to relieve people from hardship; however, he believes in the case of the proposed garage, there is no hardship. Mr. DeLucia would like to do some research about what else is in the neighborhood. Mr. Moore asked about the height, and Mr. Souppa responded that he will comply with whatever the zoning regulations allow him to do.

Mr. Moore suggested a revised plan and to come back and perhaps get some advice from Zoning Enforcement Officer Sean Hearty. Mr. Hearty agreed. The Board wanted to approve the application in part; however, Mr. Hearty said that the entire variance request should be handled together.

Motion to table Application No. 21-25 until July 8th or later, was made by Joseph Hanna to await a revised plan; seconded by Peter DeLucia. All in favor with Ayes from Joseph Hanna, Michael Sibbitt, Juan Rivas, Peter DeLucia and Rodney Moore.

CONTINUED PUBLIC HEARING: None

OLD BUSINESS: None

NEW BUSINESS: None

CORRESPONDENCE: None

OTHER MATTERS: None

ADJOURNMENT:

Motion to adjourn was made by Joseph Hanna; seconded by Michael Sibbitt. All in favor with Ayes from Joseph Hanna, Michael Sibbitt, Juan Rivas, Peter DeLucia and Rodney Moore. Meeting adjourned at 8:15 p.m.

Respectfully submitted,

Mary S. Larkin
Secretary